

THE *J. Rogers*  
GENERAL STATUTES

OF THE

STATE OF MINNESOTA:

REVISED BY COMMISSIONERS APPOINTED UNDER AN ACT APPROVED FEBRUARY 17, 1868, AND  
ACTS SUBSEQUENT THERETO, AMENDED BY THE LEGISLATURE,  
AND PASSED AT THE SESSION OF 1866.

TO WHICH

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT, THE  
ACT AUTHORIZING A STATE GOVERNMENT, AND THE  
CONSTITUTION OF THE STATE OF MINNESOTA,

ARE PREFIXED;

AND A LIST OF ACTS PREVIOUSLY REPEALED,

A GLOSSARY, AND INDEX, ARE ADDED.

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Edited and Published under the authority of Chapters 15 and 16 of  
the Laws of 1866.

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CHAPTER LXXVIII.

ACTIONS ON OFFICIAL SECURITIES AND TO RECOVER  
FINES AND FORFEITURES.

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Official bonds, security for what.

SECTION 1. The official bond or other security of a public officer to the state or any municipal body or corporation, whether with or without sureties, is to be construed as security to all persons severally, for the official delinquencies against which it is intended to provide, as well as to the state, body or corporation designated therein: *provided*, that when no other provision is made by law, it shall run to the state of Minnesota.

Who may bring action on.

SEC. 2. When a public officer, by official misconduct or neglect, forfeits his official bond, or renders his sureties liable upon an official security, any person injured thereby, or who is by law entitled to the benefit of the security, may bring an action thereon, in his own name, against the officer and his sureties, to recover the amount to which he is entitled by reason of the delinquency.

Leave to bring action to be obtained of district court.

SEC. 3. Before an action can be brought by a plaintiff, other than the state or body politic named in the bond, leave shall be obtained of the district court, or a judge thereof, within the county where the action is triable, by the production of a copy of the bond, and an affidavit showing the delinquency, and if the delinquency is such, that if established on the trial, it would entitle the party applying to recover in the action, leave shall be granted.

Effect of judgment for one delinquency.

SEC. 4. A judgment in favor of a party for one delinquency, does not preclude the same or another party, from an action on the same security for another delinquency.

Execution, how indorsed.

SEC. 5. Upon the execution issued on a judgment, recovered upon the official security of a public officer, against him and a surety, there shall be indorsed a direction to the officer to whom the execution is delivered, to collect the same out of the property of the principal, if sufficient can be found, and if not, then to collect it out of the property of the surety.

Actions for fines and forfeitures, who may bring.

SEC. 6. Actions for fines and forfeitures, may be prosecuted by the officers or persons to whom they are by law given, or who, by special provisions of law, are authorized to recover them; and whether prosecuted by public officers or by private persons, are governed by the same rules as other civil actions, except as herein otherwise prescribed.

Action for penalty, how brought.

SEC. 7. When an action is brought for a penalty, which is limited by law, not to exceed a certain amount, the action may be brought for that amount, and upon trial, the amount recovered shall be determined in proportion to the offence.

SEC. 8. A recovery of a judgment, for a penalty or forfeiture, by collusion between the parties, with intent to save the defendant from the consequences contemplated by law, in case where the penalty or forfeiture is given wholly or partly to the prosecutor, does not prevent the recovery of the same by another person.

Judgment obtained by collusion, no bar to action by another person.

SEC. 9. Fines and forfeitures, not specially granted or appropriated by law, shall be paid into the treasury of the state; and whenever any property, real or personal, is forfeited to the state, or to any officer, for its use, an action for the recovery of such property, alleging the grounds of the forfeiture, may be brought by the proper officer, in the district court of any county where such property may be.

Fines and forfeitures, where paid—place of trial of actions for property forfeited to state.

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SEC. 10. All fines and forfeitures imposed as a punishment for any offense, or for the violation or neglect of any duty imposed by statute, may be prosecuted for and recovered by indictment in the district court; or when the amount or value thereof does not exceed one hundred dollars, the same may be prosecuted for by complaint before a justice of the peace, who shall have jurisdiction therefor concurrently with the district court, and in all cases of the imposition of a fine pursuant to statute, as punishment for any offense, the offender may be committed till the same is paid, or he is otherwise discharged according to law.

What fines and forfeitures prosecuted by indictment—justice to have jurisdiction, when—punishment.

CHAPTER LXIX.

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SECTION

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SECTION 1. An action may be brought by the attorney general in the name of the state, whenever the legislature so directs, against a corporation, for the purpose of vacating or annulling the act of incorporation, or an act renewing its corporate existence, on the ground that such act or renewal was procured upon some fraudulent suggestion, or concealment of a material fact by the persons incorporated, or some of them, or with their knowledge and consent.

Action against corporation to annul act of incorporation, brought by attorney general, when.